

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Sakala Janula Samme by the Gazetted and non-Gazetted Officers of Telangana Region – Treatment of Period of Strike as E.L. / E.L. to earned / Eligible Leave – Orders – Issued.

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FINANCE (FR-I) DEPARTMENT

G.O.Ms.No. 82

Dated: 29-3-2012

Read the following:

1. G.O.Ms.No.177, G.A. (SW.I) Department, dt: 13-4-2011.
2. G.O.Rt.No.1617, G.A.(SW.I) Department, dt: 18-4-2011.
3. Orders from the Hon'ble High Court in WPMP No.25443/11 in W.P.No.20913/11, dated: 16-8-2011.
4. Agreement between Government of Andhra Pradesh and Telangana Joint Action Committee of Employees, Gazetted Officers, Teachers and Workers, dt:24-10-2011.
5. Minutes of the meeting of Group of Ministers held on 13-2-2012.
6. Orders of the Hon'ble High Court in W.P.MP.No.7536/2012 in W.P.No.20913/11 dt: 5-3-2012.

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**ORDER:**

1. In the reference 1<sup>st</sup> read above the Government have adopted the “No work No Pay” policy strictly and ordered that the period of absence from duty in respect of the employees, who participated in the agitations shall be treated as “Not Duty” and no pay and allowances shall be admissible for the period.
2. In the reference 2<sup>nd</sup> read above the Government kept in abeyance the orders issued in the reference 1<sup>st</sup> read above.
3. In the reference 3<sup>rd</sup> read above the Hon'ble High Court stayed the operation of G.O.Rt.No.1617, dt: 18-4-2011 and ordered that no modification of G.O.Ms.No.177, G.A,Dept, dt: 13-4-2011 shall be made, by the Government pending disposal of the case, without the prior leave of the Court.
4. Employees belonging to Gazetted and Non-Gazetted Officers of different Associations in the Telangana Region went on strike from 13<sup>th</sup> September, 2011 onwards. In the reference 4<sup>th</sup> read above an Agreement has been reached between the Government of Andhra Pradesh and Telangana Joint Action Committee of Employees, Teachers and workers (TJAC) on 24-10-2011. Accordingly, the Telangana Joint Action Committee of Employees (TJAC) agreed to resume duties w.e.f. 25-10-2011.

5. In the reference 5<sup>th</sup> read above the Group of Ministers recommended that “regarding the period of absence from 13-9-2011 or from later date to end of strike (42 days), it is decided that it can be considered for sanction as Earned Leave and wherever the employee does not have Earned Leave in his/her account to the required extent, the short period can be considered for sanction of “Leave not Due” and this period shall be adjusted from the future credit of Earned Leave. In case of employee retiring in next one year, if such employee does not have earned leave in his/her account, the leave of eligible kind may be considered for this purpose. After orders in circulation to this effect are obtained from Chief Minister, the same will be put before High Court of Andhra Pradesh through a supplementary affidavit for their further orders.”

6. Accordingly the State Government filed an application before the High Court seeking modification of the orders 3<sup>rd</sup> read above. In the reference 6<sup>th</sup> read above the Hon’ble High Court allowed W.P.M.P. No.7536/2012 and modified their earlier order dt: 16-8-2011 to enable the State Government to implement recommendations of the Group of Ministers.

7. Accordingly, Government after careful examination accept the recommendations of the Group of Ministers. It is ordered that the period of absence from 13-9-2011 or such later date as applicable till they resumed duties after ending the strike (maximum 42 days) be sanctioned as Earned Leave on application by the employee. Where employees do not have adequate Earned Leave in their account the earned leave available will first be exhausted and the shortfall will be considered for sanction as E.L. to be earned. This period shall be adjusted from the future credit of Earned Leave for that employee. Only in case of employees retiring within the next one year w.e.f 24-10-2011, if such employees do not have adequate Earned Leave in their account, any eligible leave be considered for sanction after exhausting the available Earned Leave.

8. The concerned employees shall apply for leave as per para 7 above to their respective leave sanctioning authority giving details of the period of absence and amount of advance drawn in the format in Annexure-III. The leave sanctioning authority while sanctioning the leave for the number of days the employee was on strike, shall debit the leave account of the employee to the extent the Earned Leave available at the credit of the employee as on the date of sanction of leave. The balance shall be sanctioned as E.L. to be earned and adjusted against the Earned Leave to be earned in future. Suitable entry regarding the Earned Leave to be sanctioned shall also be made in the leave account of the employee in the Service Register by prefixing the minus sign to the number of days for which Earned Leave to be earned has been sanctioned.

9. The entire advance sanctioned in G.O.Ms.No.240, Finance (A&L) Dept, dated: 28-10-2011 shall be adjusted against to the leave salary drawn. The proforma for regularizing the Strike period of employees who went on strike to be issued by the Leave Sanctioning Authority is appended to this order as Annexure-I. While preferring the bill in Audit (PAO/DTA) the statement appended as Annexure-II, shall invariably be enclosed to the bill.

10. The Government issue the following further instructions for the purpose of clarity and for the purpose of ensuring that the above orders are given effect to promptly and properly.

- (a) These orders are applicable to all those employees who went on strike and who fulfill the following conditions:
  - i) must be drawing pay in a time scale of pay and must be eligible to earn leave under the relevant rules.
  - ii) must have gone on strike during September and October 2011.
  - iii) must give an option for availing the benefit extended under this G.O., appended to this order as Annexure-III.

(b) The authority competent to sanction leave shall sanction leave / E.L. to be earned / eligible leave on receipt of the necessary option from an employee within the prescribed date for availment of benefit of these orders, shall, before sanction of leave, satisfy himself about the participation of employee concerned in the Strike and also about the number of days the employee was on strike during that period. The Leave Sanctioning Authority should also ensure that the employee concerned has not drawn any emoluments for the strike period and also that the service register of the employee contain the necessary entry regarding the participation of the employee in the Strike during September and October, 2011 and the number of days of participation in the Strike. In those rare cases where no such entry has already been made in the Service Register, the Leave Sanctioning Authority shall ensure that such an entry is made before taking action to sanction Earned Leave / E.L. to be earned / Eligible leave for the strike period. On the basis of option received, the Leave Sanctioning Authority shall sanction leave / E.L. to be earned / Eligible leave as contemplated above. After sanction of leave / E.L. to be earned / Eligible leave the Leave Sanctioning Authority should ensure that suitable entry is made in the Service Register of the employee indicating that absence during the strike period is regularized by sanctioning of leave / E.L. to be earned / Eligible leave quoting these orders.

(C) The Leave sanctioning authority shall also indicate clearly in his proceedings while sanctioning the leave, the quantum of Earned Leave available at the time of sanctioning the leave, the period of leave and the period of absence on strike adjusted towards Earned Leave / E.L. to be earned / Eligible leave sanctioned.

(d) The Drawing Officer should enclose a certificate obtained from Leave sanctioning Authority to the leave salary bill to the effect that the necessary entries have been made in the Service Registers indicating the participation of the employee in the strike and regularization of the same by sanctioning leave / E.L. to be earned / Eligible leave. He should also enclose a certificate that no emoluments have previously been drawn for the strike period.

(e) The calculation of leave salary for the strike period on the basis of these orders shall be with reference to the rates of pay and allowances admissible to the employees just before the employee went on strike.

(f) The leave salary for the period of strike in September shall be calculated at the number of days/30 of month's pay and allowances while for the balance strike period in October, 2011 to make the total leave salary for 31 days shall be calculated at the number of days/31 of the month's pay and allowances. For e.g. if leave salary is to be paid for 18 days of strike period in September, 2011 the leave salary shall be calculated for this period at 18/30 of pay and allowances of the employee admissible on the date preceding the date from which he went on strike while for the remaining period of 24 days in October, 2011 the leave salary shall be calculated at 24/31 of pay and allowances admissible on the date prior to proceeding on strike.

(g) In respect of purely temporary employee, payment of leave salary for E.L. to be earned shall be paid subject to their furnishing surety from two Government Servants who are approved probationers and who are equal or higher in rank to the employee in the same or in other office provided that in the latter case the Head of the Office certifies that the sureties are approved probationers. When the services of the temporary employees are dispensed with for any reason before the E.L. to be earned is not fully wiped off, the excess leave salary resulting there from, shall be recovered from the employee or from sureties as the case may be.

(h) Based on the proceedings sanctioning E.L. / E.L. to be earned/ Eligible leave the Drawing and Disbursing Officer shall claim the leave salary.

(i) The normal recoveries such as HR/GPF/APGLI/ Group Insurance/PLI etc., pertaining to the respective periods shall be made from the payments to be made from the leave salary paid now if not recovered earlier.

11. Relevant Leave Rules governing the sanction of leave to employees shall be deemed to have been relaxed to the extent necessary for the purpose of giving effect to these orders.

12. The expenditure on the payment of leave salary as per these orders shall be debited to the detailed Head 010 salaries, 011 – Pay, 012 – allowances, 013 - Dearness Allowances, 016 House Rent Allowance, under the respective major head, minor head and sub-head.

13. The drawing officer shall furnish the information in the proforma appended to this order to the PAO/DTO/PAO and APAO of Projects. These Audit Officers in turn shall furnish consolidated information in the proforma appended (Annexure-II) to the DTA/Dy.,FA/PAO who will in turn furnish the information to Government before 15<sup>th</sup> May, 2012. In regard to the employees working in the Panchayat Raj Institutions etc., the information shall be furnished by the concerned authorities to the Audit Officer of the Local Fund Authority who will in turn furnish consolidated information to Director of Local Fund Audit, A.P. Hyderabad. The Director of Local Fund Audit., A.P. Hyderabad shall

furnish the information to the Government in Finance Department within the stipulated time.

14. All the Departments of Secretariat and Heads of Departments shall follow the above orders scrupulously.

15. The G.O. is available on Internet and can be accessed at the address [http:// www.apfinance.gov.in](http://www.apfinance.gov.in) and <http://www.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. BHASKAR  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Accountant General, A.P, Hyderabad  
The Accountant General, A.P, Hyderabad (by name)  
The Pay & Accounts Officer, A.P, Hyderabad  
The Secretary to Governor, Rajbhavan, Hyderabad  
All Spl. Chief Secretaries /Prl. Secretaries/Secretaries to Govt,  
All the Departments of Secretariat,  
All the Heads of Departments.  
The Registrar, High Court of A.P, Hyderabad.  
The Secretary, APPSC, Hyderabad.  
All the District Collectors in Telangana Region.  
All the District & Sessions Judges, in Telangana Region.  
All the District Treasury Offices in Telangana Region.(with copies for STOs).  
All the Directors of Accounts of Projects in Telangana Region  
Copy to Genl. Admn.(Spl.B) Department.  
Copy to Genl. Admn.(SW.I) Department.

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE – I

GOVERNMENT OF ANDHRA PRADESH

..... Department

O.O.Rt.No. / Proceedings No.

Date:

Sub: Establishment ..... Department treating the period of strike participated by the TJAC employees during September - October 2011 – Orders – Issued.

Ref: 1. G.O.Ms.No. Finance (FR-I) Department, Dated:  
2. G.O.Ms.No.240, Finance (A&L) Department, Dated: 28-10-2011.

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In pursuance of the orders issued in the G.O. 1<sup>st</sup> cited, sanction is hereby accorded for treating the period of absence of the following Telangana Joint Action Committee employees who have participated in the Strike during September - October 2011 as E.L. / E.L. to be earned / eligible leave as shown below:

Sl. No	Name and Designation	Period of Participation in the Strike during		Total No. of days	Regularisation of period shown in col.(4)			Entry in S.R. at page No.& Volume No.
		From	to		EL/ Eligible	Balance	E.L. to be earned	
1.		2.	3	4	5	6	7	8
1.								
2.								
3.								
4.								
5.								
6.								

Leave salary shall be adjusted against the advance already drawn as per orders 2<sup>nd</sup> cited.

Certified that necessary entries to the above effect have been duly recorded in their respective Service Registers with proper attestation.

Leave Sanctioning Authority

To

The Individuals concerned.  
The P.A.O. Hyderabad / D.T.O. /S.T.O.  
The A.G.A.P. Hyderabad  
The SF / SCs

ANNEXURE-II

(Statement to be enclosed to the Bill)

Name of the Officer:-							Head of Account			
Name of the employee	Designation	Period of Participation in strike			Regularization of period		Leave Salary		Amount adjusted towards Advance drawn	Net Amount Paid
		From (a)	To (b)	No.of Days (c)	Earned Leave/ Eligible Leave	E.L. to be earned	Rate of Pay & Allowances	Amount Drawn & Paid		
1	2	3			4	5	6	7	8	9

### ANNEXURE – III

To

----- (Competent Authority)

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Sir / Madam,

I participated in the “Sakala Janula Samme” organized by the TJAC during the period from ----- to----- (        days). In pursuance of the orders issued in G.O.Ms.No.        Finance (FR-I) Department, dt:        -3-2012, I request you to regularize the period of Strike as mentioned below:-

Name & Designation	Period of Participation in the Strike		Total No. of Days	Regularization of the period		
	From	To		E.L./ Eligible Leave	Balance	E.L. to be earned

I have drawn an advance of Rs..... in terms of G.O.Ms.No.240, Finance (A&L) Department, dt: 28-10-2012 which may be recovered from my salary to be drawn for the above period.

I request you to kindly regularize the period of strike as above and necessary orders may be issued.

Yours faithfully

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